

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:09-CR-259-FL-2

UNITED STATES OF AMERICA,

v.

DONTE MONTRELL JONES,

Defendant.


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ORDER

This matter is before the court on defendant's pro se renewed motion for reduction of sentence pursuant to § 404 of the First Step Act (DE 355). The government did not respond to the motion.

The court lacks jurisdiction to address the motion on the merits. Section 404(c) of the First Step Act provides that: "[n]o court shall entertain a motion made under this section to reduce a sentence if . . . a previous motion made under this section to reduce the sentence was, after the date of enactment of this Act, denied after a complete review of the motion on the merits." Pub. L. No. 115-391, § 404(c), 132 Stat. 5194, 5222. Here, the court denied defendant's first § 404 motion for sentence reduction on December 22, 2020, and that ruling constituted an adjudication on the merits. Where the First Step Act precludes consideration of second or successive § 404 motions, the instant renewed motion for sentence reduction (DE 355) is DISMISSED without prejudice.

SO ORDERED, this the 21st day of July, 2021.

  
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LOUISE W. FLANAGAN  
United States District Judge